

~ established 1981 ~

BARR • STERNBERG
MOSS • SILVER & MUNSON, P.C.

Neil S. Moss David F. Silver Michael S. Munson
Christopher J. Montgomery, Rachel B. Strecker & Alexander M. Dean, *associates*

March 18, 2024

via ECF/PACER:

Hon. Kevin Doyle
US District Court
Room 200
11 Elmwood Avenue
Burlington, VT 05401

RE: *Milazzo v. Anthony*, No. 2:23-cv-576

Dear Magistrate Doyle:

Our firm represents Defendant Peter Anthony in the above-captioned matter.

We write to advise the Court that, based on Plaintiff's response to Defendant Peter Anthony's *Motion to Temporarily Stay Discovery*, L.R. 26(a)(3), Mr. Anthony hereby withdraws that pending motion [ECF 32].

Therefore, at tomorrow's hearing scheduled for 11:00 a.m., we will be prepared to discuss Defendant's pending motions to stay and, if the Court so desires, Defendant's pending motion to dismiss.

In addition, Plaintiff has filed an impermissible surreply [ECF 38] in further opposition to Defendant's pending motion to dismiss. F.R.C.P. 27 only permits motions, responses, and replies to responses. Furthermore, this Court's local rules do not separately provide for surreplies. Plaintiff failed to request this Court's permission to file a surreply, and therefore, Defendant requests that the filing not be considered.

Sincerely,



Alexander M. Dean, Esq.